

Message Text

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PAGE 01 TOKYO 07595 271848Z
ACTION OES-07

INFO OCT-01 EA-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-14
L-03 NSAE-00 NSC-05 EB-08 NRC-07 SOE-02 DODE-00
SS-15 SP-02 CEQ-01 /099 W
-----073565 281843Z /53

R 271224Z APR 78
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC 7481
INFO DOE GERMANTOWN
DOE WASHDC

UNCLAS TOKYO 07595

E.O. 11652: N/A
TAGS: TECH, JA
SUBJECT: COURT RULING ON NUCLEAR POWER PLANT SAFETY

STATE PASS TO NRC FOR J.D. LAFLEUR

1. MATSUYAMA DISTRICT COURT ON APRIL 25 TURNED DOWN LOCAL
RESIDENT GROUP'S SUIT AGAINST GOVERNMENT PERMIT FOR INSTALLATION
OF SHIKOKU'S IKATA-1 REACTOR (566 MWE PWR). THIS WAS FIRST LAWSUIT
ON NUCLEAR POWER PLANT SAFETY IN JAPAN.

2. COURT RULING INCLUDED FOLLOWING JUDGMENTS:

A. PLAINTIFFS WERE LEGALLY QUALIFIED TO FILE THE LAWSUIT BECAUSE
LOCAL RESIDENTS MAY SUFFER RADIATION HAZARDS IN CASE OF ACCIDENT.

B. GOVERNMENT HAS DISCRETIONARY AUTHORITY FOR REACTOR INSTALLATION
PERMIT SINCE REACTOR SAFETY REVIEW REQUIRES EXPERT KNOWLEDGE
AND SINCE REACTOR INSTALLATION IS RELATED TO HIGH-LEVEL POLICY
JUDGMENT.

C. NO LEGAL REASON EXISTS FOR CANCELLING GOVERNMENT PERMIT SINCE
PROCEDURES FOR PERMIT WERE PROPER.

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3. PLAINTIFFS WERE DISSATISFIED WITH THE RULING, AND EXPRESSED
INTENTION TO APPEAL TO HIGHER COURT.

4. MITI AND STA ISSUED STATEMENTS WELCOMING THE COURT RULING.
PRIME MINISTER FUKUDA TOLD PRESS HE WAS DEEPLY IMPRESSED BY THE
RULING. NSB DEPUTY DIRECTOR GENERAL SATO STATED HE WAS ENCOURAGED

BY RULING WHICH RECONFIRMED THAT GOVERNMENT HAS DISCRETIONARY
AUTHORITY FOR NUCLEAR POWER PLANT INSTALLATION PERMIT. SHERMAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT DECISIONS, NUCLEAR POWER PLANTS
Control Number: n/a
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Draft Date: 27 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
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Executive Order: N/A
Errors: N/A
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Handling Restrictions: n/a
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Review Exemptions: n/a
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TAGS: TECH, CGEN, JA, US
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Review Markings:
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